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BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			RASHID, HARUNUR	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/559,890	<b>Applicant(s)</b> SCHMIDT ET AL.	
	<b>Examiner</b> HARUNUR RASHID	<b>Art Unit</b> 2458	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 29-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 29-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/6/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. Claims 29-55 are pending in this examination.

### ***Specification***

2. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

These guidelines are preferred layout for the specification for the applicant's to use; e.g.

BACKGROUND OF THE INVENTION, then BRIEF SUMMARY OF THE INVENTION.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 29-36, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Kalra et al. (herein after Kalra) US Patent: No.: 5953506.

Referring to claim 29, Kalra discloses a method for transmitting messages in a communication network, comprising:

transmitting a transmission message containing one or more useful data objects to a switching component for forwarding to a first telecommunication device (fig. 1 and 2A; col. 4, lines 14-32; e.g. item 12 (multimedia data) transmitting to item 22 (multimedia device) via item 14 (Adaptive digital streams format)).

creating a plurality of variants of the one or more useful data objects in the switching component as a function of one or more parameters (fig. 2A, item 14A-14AN; col. 4 lines 15-35; various components; also see col. 2, line 18-24); and

informing the first telecommunication device of the availability of the plurality of variants of the one or more useful data objects for transmission to the first

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telecommunication device (fig 2B, item 20; col. 4, lines 25-5; transmits these selected streams to the multimedia device; also see col. 2, line 8-14 and lines 30-45).

Referring to claim 30, Kalra discloses the method according to claim 29, further comprising:

transmitting a delivery request message requesting a specific variant of the one or more useful data objects from the first telecommunication device to the switching component (fig. 2B, col. 3, lines 15-35; e.g. user profile send to item 20; Abstract); and

transmitting a delivery message containing the requested variant of the one or more useful data objects from the switching component to the first telecommunication device (fig. 2A and 2B; col. 4, lines 25-33; based upon that desired resolution profile, select the appropriate base and additive streams from the available adaptive digital data streams associated therewith. Stream management module 20 then transmits these selected streams to the multimedia device; also see col. 2, line 8-14).

Referring to claim 31, Kalra discloses the method according to claim 29, wherein the step of informing the first telecommunication device comprises:

generating respective recipient notification messages assigned to a specific variant of the one or more useful data objects (col. 2, lines 8-14; also see fig. 2B, col. 3, lines 15-35; e.g. user profile send to item 20; also see fig. 2A, item 14A-14AN; Abstract); and

transmitting the respective recipient notification messages from the switching

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component to the first telecommunication device (fig. 2A and 2B; col. 4, lines 25-33; based upon that desired resolution profile, select the appropriate base and additive streams from the available adaptive digital data streams associated therewith. Stream management module 20 then transmits these selected streams to the multimedia device; also see col. 2, line 8-14).

Referring to claim 32, Kalra discloses the method according to claim 29, wherein the parameters include parameters with information about the individual characteristics of the telecommunication device and in particular about applications provided on the telecommunication device (col. 2, lines 8-14, profile; also see col. 4, lines 15-35 and lines 50-60).

Referring to claim 33, Kalra discloses the method according to claim 29, wherein the parameters include parameters with information about the individual preferences of the recipient (col. 2, lines 8-14, profile; also see col. 4, lines 15-35; and lines 50-60).

Referring to claim 34, Kalra discloses the method according to claim 29, wherein the parameters include parameters with descriptive information, which includes the significance of useful data objects contained in the transmission message and/or the relationships between contained useful data objects (Abstract; also see col. 2, lines 17-13 and 30-50).

Referring to claim 35, Kalra discloses the method according to claim 29, wherein the transmission message is transmitted from a second telecommunication device to the switching component (fig. 2B, col. 3, lines 15-35; e.g. user profile send to item 20; also see col.2, lines 60-63; e.g. many client devices; Note: in the example use only one device however col.2 lines 60-63 discloses many devices).

Referring to claim 36, Kalra discloses the method according to claim 35, wherein the transmission message, delivery request message, delivery message, and recipient notification messages are transmitted in the context of the multimedia messaging service between the first telecommunication device and the switching component and/or the second telecommunication device and the switching component (fig. 2A and 2B; col. 4, lines 25-33; based upon that desired resolution profile, select the appropriate base and additive streams from the available adaptive digital data streams associated therewith. Stream management module 20 then transmits these selected streams to the multimedia device; also see col. 2, line 8-14 and lines 30-50, col. 4, lines 45-65) .

Referring to claim 39, Kalra discloses the method according to claim 35, wherein messages to and from the first and/or second telecommunication device are transmitted by means of the WAP protocol WSP and/or the hypertext transfer protocol (col. 15, lines 10-31).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 37, 38 and 4-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalra as applied above claim, in view of Puskala US Pub No.: 20020165024A1.

4. Referring to claim 37, Kalra discloses the invention as described above. Kalra does not explicitly disclose the messages to and from the first telecommunication device and/or the second telecommunication device are sent via an air interface. However, Puskala disclose the messages to and from the first telecommunication device and/or the second telecommunication device are sent via an air interface ([0033]; any type of wireless communication; radio).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Puskala with the teaching of Kalra by including the feature of air interface, in order for Kalra's system to send info via wireless such as air interface which may save system processing time, resources and gain efficiencies.

Referring to claim 38, Kalra discloses the invention as described above. Kalra does not

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explicitly discloses the first and/or second telecommunication device comprises a radio module. However Puskala discloses the first and/or second telecommunication device comprises a radio module ([0033]; radio).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Puskala with the teaching of Kalra by including the feature of air interface, in order for Kalra's system to send info via wireless such as radio module which may save system processing time, resources and gain efficiencies.

Referring to claim 40, Kalra discloses the invention as described above. Kalra does not explicitly disclose the first telecommunication device is part of a first telecommunication network. However Puskala discloses the first telecommunication device is part of a first telecommunication network ([0033]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Puskala with the teaching of Kalra by including the feature of the first telecommunication device is part of a first telecommunication network, in order for Kalra's system to access information all in one place which may save system processing time, resources and gain efficiencies.

Referring to claim 41, Kalra discloses the invention as described above. Kalra does not explicitly disclose the first telecommunication network is configured as a mobile radio network, operating according to the GSM, GPRS, EDGE, UMTS, or CDMA standard. However Puskala discloses the first telecommunication network is configured as a

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mobile radio network, operating according to the GSM, GPRS, EDGE, UMTS, or CDMA standard ([0033];CDMA).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Puskala with the teaching of Kalra by including the feature of CDMA standard, in order for Kalra's system to use different kinds of standard such as CDMA which may include different kinds of devices.

Referring to claim 42, Kalra discloses the invention as described above. . Kalra does not explicitly disclose the switching component is configured as part of a second telecommunication network connected coupled to the first telecommunication network, which operates under the hypertext transfer protocol. However Puskala discloses the switching component is configured as part of a second telecommunication network connected coupled to the first telecommunication network, which operates under the hypertext transfer protocol (fig. 1, item 43; [0038]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Puskala with the teaching of Kalra by including the feature of hypertext transfer protocol, in order for Kalra's system to use hypertext transfer protocol which give user more choices to use system.

Referring to claim 43, Kalra discloses the invention as described above. Kalra does not explicitly disclose the first and second telecommunication networks are connected coupled together by a WAP gateway. However Puskala discloses the first and second

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telecommunication networks are connected coupled together by a WAP gateway (fig. 1, item 50; [0038]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Puskala with the teaching of Kalra by including the feature of WAP gateway, in order for Kalra's system to access information all in one place which may save system processing time, resources and gain efficiencies.

Claims 44-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalra as applied to claim above in view of Prenzel et al., (herein after Prenzel) US Pub No.: 2003/0096598A1

5. Referring to claim 44, Kalra discloses the invention as described above. Kalra does not explicitly disclose the recipient notification message is transmitted to the telecommunication device by WAP push. However, Prenzel discloses the recipient notification message is transmitted to the telecommunication device by WAP push ([0022]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Kalra by including the feature of WAP push in order for Kalra's system to access messaging content such as pictures, text combined with images and/or sounds which may saving system processing time, resources and gain efficiencies.

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Referring to claim 45, Kalra discloses the invention as described above. Kalra does not explicitly disclose the switching component is configured as an MMS relay server.

However Prenzel discloses the switching component is configured as an MMS relay server ([0021] also see [0022], [0042]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Kalra by including the feature of MMS relay server in order for Kalra's system to access messaging content such as pictures, text combined with images and/or sounds which may saving system processing time, resources and gain efficiencies.

Referring to claim 46, Kalra discloses the invention as described above. Kalra does not explicitly disclose recipient notification messages, which are assigned to variants of useful data objects of a specific transmission message, comprise specific standard identification information. However, Prenzel discloses recipient notification messages, which are assigned to variants of useful data objects of a specific transmission message, comprise specific standard identification information ([0051]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Kalra by including the feature of standard identification information, in order for Kalra's system to access specific messaging content such as pictures, text combined with images and/or sounds which may saving system processing time, resources and gain efficiencies.

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Referring to claim 47, Kalra discloses message generated by the switching component for the variants of the one or more useful data objects of a transmission message (fig. 2A, item 14A-14AN; col. 4 lines 15-35; various components; also see col. 2, line 18-24). Kalra does not explicitly disclose the recipient notification messages, which are assigned to variants of useful data objects of a specific transmission message, further comprise total information, indicating the total number of recipient notification messages. However, Prenzel discloses the recipient notification messages ([0042]), which are assigned to variants of useful data objects of a specific transmission message ([0043]), further comprise total information, indicating the total number of recipient notification messages ([0043]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Kalra by including the feature of notification messages, in order for Kalra's system to access specific messaging content such as pictures, text combined with images and/or sounds which may saving system processing time, resources and gain efficiencies.

Referring to claim 48, Kalra discloses the invention as described above. Kalra does not explicitly disclose different recipient notification messages have sequence information, which contains the sequence of the variants of the one or more useful data objects generated by the switching component. However, Prenzel discloses different recipient notification messages have sequence information, which contains the sequence of the

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variants of the one or more useful data objects generated by the switching component ([0043]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Kalra by including the feature of sequence information, in order for Kalra's system to stay connected with mobile devices with specific information which may save system processing time, resources and gain efficiencies.

Referring to claim 49, Kalra discloses the invention as described above. Kalra does not explicitly disclose the different recipient notification messages have differentiation information, which indicates whether a variant of a useful data object assigned to a respective recipient notification message is the original variant contained in the transmission message or a modified variant. However, Prenzel discloses the different recipient notification messages have differentiation information, which indicates whether a variant of a useful data object assigned to a respective recipient notification message is the original variant contained in the transmission message or a modified variant ([0021]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Kalra by including the feature of different recipient notification messages have differentiation information in order for Kalra's system to reduced traffic channel and time saving which may saving system processing time, resources and gain efficiencies.

Referring to claim 50, Kalra discloses the invention as described above. Kalra does not explicitly disclose the sequence information in the different recipient notification messages indicates which of the recipient notification messages relates to the unmodified original version of the at least one useful data object or the transmission message. However, Prenzel discloses the sequence information in the different recipient notification messages indicates which of the recipient notification messages relates to the unmodified original version of the at least one useful data object or the transmission message (Paragraph 0021).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Kalra by including the feature of sequencing information in the different recipient notification messages, in order for Kalra's system to reduced traffic channel and saving time which may saving system processing time, resources and gain efficiencies.

Referring to claim 51, Kalra discloses the invention as described above. Kalra does not explicitly disclose the identification information and/or the total information and/or the sequence information is provided under a respectively independent header field in a recipient notification message. However, Prenzel discloses the identification information and/or the total information and/or the sequence information is provided under a respectively independent header field in a recipient notification message ([0013]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Kalra by including the feature of header field in order for Kalra'S system manage transmission reference which may contain transmission time, source, file size, images, and sounds.

Referring to claim 52, Kalra discloses the invention as described above. Kalra does not explicitly disclose the identification information and/or the total information and/or the sequence information together is coded in a recipient notification. However, Prenzel discloses the identification information and/or the total information and/or the sequence information together is coded in a recipient notification message ([0042]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Tang and Becker by including the feature of coding identification information and/or the total information and/or the sequence information together in a recipient notification message in order for Kalra'S system manage transmission reference which may contain transmission time, source, file size, images, and sounds.

Referring to claim 53, Kalra discloses the invention as described above. Kalra does not explicitly disclose the identification information and/or the total information and/or the sequence information is processed by the first telecommunication device on receipt of a respective recipient notification message. However, Prenzel discloses the identification information and/or the total information and/or the sequence information is processed by

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the first telecommunication device on receipt of a respective recipient notification message ([0043]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Kalra by including the feature of identification information in order for Kalra's system to manage transmission reference which may contain transmission time, source, file size, images, and sounds.

Referring to claim 54, Kalra discloses the invention as described above. Kalra does not explicitly disclose variants for transmission by the switching component are displayed on a user interface so that a user can select one or more variants and request transmission by the switching component. However, Prenzel discloses variants for transmission by the switching component are displayed on a user interface so that a user can select one or more variants and request transmission by the switching component ([0004]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Kalra by including the feature of displaying variants on a user interface so that a user can select one or more variants in order for Kalra's system to manage the multimedia messages.

Referring to claim 55, Kalra discloses the invention as described above. Kalra does not explicitly disclose the useful data objects contain text information, audio information, video information, executable programs, software modules or a combination of such

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information. However, Prenzel discloses the useful data objects contain text information, audio information, video information, executable programs, software modules or a combination of such information (Paragraph 0003, Lines 15-19).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teaching of Prenzel with the teaching of Kalra by including the feature of audio information, video information, or a combination of such information in order for Kalra's system to utilize different kinds of media and which saving system processing time, resources and gain efficiencies.

#### ***Response to Arguments***

6. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

7. Claims objection are withdrawn as claims have been amended.

8. Claim rejections under 35 U.S.C. 112 is withdrawn as claims have been amended.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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10. Examiner's Note: Examiner has cited particular columns/paragraphs/pages and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in its entirety as potentially teaching of all or part of the claimed invention.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HARUNUR RASHID whose telephone number is (571)270-7195. The examiner can normally be reached on Monday - Friday 9:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph E. Avellino can be reached on 571-272-3905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. R./

Examiner, Art Unit 2458

/Joseph E. Avellino/

Supervisory Patent Examiner, Art Unit 2458